

## REMARKS

Currently, claims 1-77 are pending. The Examiner has restricted the claims in the case to two (2) groups broken down as follows:

1. Invention I, claims 1-32, drawn to an isolated RNA comprising a sense and an antisense RNA strand and where the sense strand comprises a nucleotide sequence substantially identical to about 19 to 25 nucleotides in human HIF-1 $\alpha$  mRNA; and
2. Invention II, claims 33-77, drawn to a method of inhibiting HIF-1 $\alpha$  via a compound of Group I.

Applicant respectfully traverses the Restriction Requirement and requests reconsideration. In order to be fully responsive, Applicant has provisionally elected, with traverse, the invention of Invention Group II as defined by claims 33-77 directed to a method of inhibiting HIF-1  $\alpha$  by administering an siRNA, wherein the siRNA comprises a sense RNA strand and an antisense RNA strand, wherein the sense RNA strand comprises a nucleotide sequence substantially identical to about 19 to 25 nucleotides in human HIF-1 $\alpha$ .

It is respectfully submitted that the search classification for each invention group will substantially overlap. Each of the claims, as presently recited, are directed to isolated siRNA, wherein the sense strand comprises a nucleotide sequence identical to a target sequence in human HIF-1 $\alpha$  mRNA and methods of using the isolated siRNAs. The Examiner will not be seriously burdened by searching and considering the inventions as described in all the currently pending claims. Accordingly, the Examiner has not established a proper restriction requirement under MPEP§ 803.

By this election, Applicant does not admit, nor does Applicant waive the right to argue against at a later date, the Examiner's statement that the groups of inventions are patentably distinct. Applicants expressly reserve the right to present the claims of Invention Group I, or other claims, in one or more divisional, continuation, or continuation-in-part applications at a later date.

Additionally, Applicant has amended claims 33, 61 and 67 to focus the claims on inhibition of human HIF-1 alpha mRNA. Accordingly, claims 1-77 are pending, of which claims 1-32 have been withdrawn.

## CONCLUSION

Applicant has timely filed this response. In the event that an additional fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,



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